

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11 Plaintiff,

12 vs.

13 \$5,407,252.87 IN FUNDS
14 CONSTITUTING THE SALE
15 PROCEEDS OF REAL PROPERTY
16 LOCATED IN NEW YORK, NEW
17 YORK,

18 Defendant *In Rem*.

NO. CV 19-1325-DSF (PLAx)

CONSENT JUDGMENT
OF FORFEITURE

19 OCEANA 57, LLC,

20 Claimant.
21

22 Plaintiff United States of America and Claimant Oceana 57, LLC (“Oceana
23 57” or “Claimant”) have made a stipulated request for the entry of this Consent
24 Judgment, resolving this action in its entirety.

25 The Court, having considered the stipulation and request of the parties, and
26 good cause appearing therefor, HEREBY ORDERS, ADJUDGES AND DECREES:

27 1. This Court has jurisdiction over Plaintiff, the Defendant, Claimant, and
28 the subject matter of this action.

CC: USM

1 2. The Government has given and published notice of this action as required
2 by law, including Supplemental Rule G for Admiralty or Maritime Claims and Asset
3 Forfeiture Actions, Federal Rules of Civil Procedure, and the Local Rules of this
4 Court. All potential claimants to the defendant \$5,407,252.87 in funds constituting
5 the sale proceeds of real property located in New York, New York (“defendant
6 funds”), other than Oceana 57, are deemed to have admitted the allegations of the
7 Complaint. Nothing in this consent judgment is intended or should be interpreted as
8 an admission of wrongdoing by Claimant, nor should this consent judgment be
9 admitted in any criminal proceeding against Claimant to prove any of the facts relied
10 upon to establish reasonable cause for the seizure of the defendant funds or the
11 commencement of this action. The allegations set forth in the Complaint are sufficient
12 to establish a basis for forfeiture.

13 3. \$95,090.44 of the defendant funds, without interest, shall be returned to
14 Oceana 57 through its counsel. The United States Marshals Service shall release said
15 funds by wire transfer to the Kinsella Weitzman Iser Kump & Aldisert LLP Client
16 Trust Account. Upon request from the United States, Oceana 57’s counsel shall
17 provide all information and complete all documents requested by the United States to
18 facilitate such payment, including bank account and routing information and personal
19 identifiers needed to determine any right to offset pursuant to 31 U.S.C. § 3716.

20 4. The United States Marshals Service shall make the payment as soon as
21 practicable after the entry of this judgment or its receipt of the information described
22 above, whichever is later, and shall make the payment within 60 days of the entry of
23 this judgment or the Government’s receipt of the information above, whichever is
24 later.


25 5. The Government shall have judgment as to the remaining \$5,312,162.43
26 of the defendant funds, and all interest earned by the government thereon, and no
27 other person or entity shall have any right, title or interest therein. The Government
28 shall dispose of said funds in accordance with law.

6. The Court finds that there was reasonable cause for the seizure of the defendant funds and institution of this action. This consent judgment shall be construed as a certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

7. Each of the parties shall bear its own fees and costs in connection with the seizure of the defendant funds and this action.

IT IS SO ORDERED.

DATED: June 6, 2019


Honorable Dale S. Fischer
UNITED STATES DISTRICT JUDGE

1 Approved as to form and content:
2

3 DATED: June 4, 2019

DEBORAH CONNOR, Chief
Money Laundering and Asset Recovery Section

5 NICOLA T. HANNA
United States Attorney
6 LAWRENCE S. MIDDLETON
Assistant United States Attorney
7 Chief, Criminal Division
8 STEVEN R. WELK
Assistant United States Attorney
9 Chief, Asset Forfeiture Section
10

11 /s/ Joshua L. Sohn

JOHN J. KUCERA
12 MICHAEL R. SEW HOY
Assistant United States Attorney
13

14 MARY BUTLER, Chief, International Unit
15 WOO S. LEE, Deputy Chief, International Unit
16 JOSHUA L. SOHN, Trial Attorney
BARBARA LEVY, Trial Attorney
17 Attorneys for Plaintiff
18 United States of America

19 Dated: June 4, 2019

/s/ Michael J. Kump (with permission)

20 MICHAEL J. KUMP
Attorney for Claimant
21 Oceana 57, LLC
22
23
24
25
26
27
28